

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY — TUESDAY, MARCH 28, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 99).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Clemons; Longoria; Stiles.

The invocation was offered by Rabbi David Jacobson, Akiba Academy, Dallas, as follows:

As we are about to begin another day of the important task of guiding the destiny of our state, let us pause for a moment to consider that, ultimately, it is the Almighty that has determined the borders of Texas, the conditions that prevail within these borders, and even who is here to represent the people in today's session.

What, then, is left to us? What is the role of a human leader in the presence of the Leader of All Mankind? I believe that it is our duty to strive first to be good, and then to do good. For the first part, our Sages have said, "Who is strong? One who subdues his own impulses, as it is written in Proverbs: 'He who is slow to anger is better than a strong man; he who rules his spirit is better than one who conquers a city.'" Each of us must first examine him or herself to root out aspects of human nature that would keep us from moral greatness. The Hebrew word for praying, "hitpallel," literally means to stand in self-judgment. The achievement we strive for in the public arena can only come after we have succeeded in controlling the private chambers of our own hearts. The Talmud tells us that King David and his lineage merited the kingship because his ancestor Judah admitted the truth even

when there was every reason for him to cover up and deny an embarrassing situation. He was a true leader who looked within himself and did the right thing. As we pray here together today, let us have in mind that one aspect of our prayer is self-examination.

To do good is the second task of the leader. This charge is clearly stated in the words of the Prophet Zechariah: "You shall administer truth, justice, and peace within your gates." Mankind is charged with seeking truth, establishing a government to preserve justice, and working towards peace. All of our actions and laws can be measured against these three goals of truth, justice, and peace. We need great strength and wisdom to keep our focus on these principles. You are a fine group of legislators who possess the fortitude and insight to maintain that focus.

In closing, I offer a version of the prayer recited each week in synagogues across Texas:

He who granted victory to kings and dominion to princes, his kingdom is eternal, he who delivered his servant David from the evil sword, he who opened a road through the sea, a path amid the mighty waters—may he bless and protect, help and exalt the governor and lieutenant governor, and all the officials of the State of Texas. May the Supreme King of kings, in his mercy, sustain them and deliver them from all distress and misfortune. May the Supreme King of kings, in his mercy inspire them and all their counselors and aides to deal kindly with us and with all people. May he send manifold blessings to this state and its inhabitants, blessings of life and goodness, health and prosperity, joy and goodwill. Let there be no sickness or calamity, embarrassment or misfortune, evil or crime among the people. Finally, we ask you for your greatest blessing, that you spread over us your canopy of Shalom, of peace.

May this be the will of God, and let us all say, amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of a death in the family:

Longoria on motion of Rodriguez.

Stiles on motion of Oakley.

The following member was granted leave of absence for today because of a death:

Clemons on motion of Black.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Charlotte Fowler of Jasper as the "Doctor for the Day."

The house welcomed Dr. Fowler and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 454 - ADOPTED

Representative Harris moved to suspend all necessary rules to take up and consider at this time **HR 454**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Harris and Uher,

HR 454, Recognizing March 28, 1995, as Brazoria County Day at the Capitol.

The resolution was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 454** as signers thereof.

HR 432 - ADOPTED

Representative De La Garza moved to suspend all necessary rules to take up and consider at this time **HR 432**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By De La Garza,

HR 432, Designating March 28, 1995, as Edinburg Day.

The resolution was read and was adopted without objection.

On motion of Representative R. Cuellar, the names of all the members of the house were added to **HR 432** as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, March 28, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 290** by 30 Yeas, 0 Nays.

Respectfully,
Betty King
Secretary of the Senate

HR 491 - ADOPTED

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 491**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Alexander,

HR 491, Commending Sandy Rush for her service to the people of Henderson County.

The resolution was adopted without objection.

HR 490 - ADOPTED

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HR 490**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Horn,

HR 490, Commending the Texas Academy of Mathematics and Science.

The resolution was adopted without objection.

On motion of Representative Denny, the names of all the members of the house were added to **HR 490** as signers thereof.

HR 463 - ADOPTED

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 463**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Staples,

HR 463, Designating March 28, 1995, as Palestine Day.

The resolution was read and was adopted without objection.

HR 462 - ADOPTED

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 462**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Torres,

HR 462, Congratulating Christopher Saenz for his selection for the People to People Student Ambassador Program.

The resolution was adopted without objection.

HR 481 - ADOPTED

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 481**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Coleman, et al.,

HR 481, Honoring the Texas Southern University debate team.

The resolution was adopted without objection.

On motion of Representative Heflin, the names of all the members of the house were added to **HR 481** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Hudson on motion of Price.

HR 492 - ADOPTED

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 492**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Yarbrough,

HR 492, Congratulating Adolph Matt Roesler on attaining the rank of Eagle Scout.

The resolution was adopted without objection.

HR 493 - ADOPTED

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 493**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Uher,

HR 493, Recognizing the accomplishments of Governor James Hogg.

The resolution was adopted without objection.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 30.

The motion prevailed without objection.

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

By Saunders,

HR 486, In memory of Egon E. Tietjen.
To Committee on Rules and Resolutions.

By Patterson,

HR 487, Commending the Court of Criminal Appeals.
To Committee on Rules and Resolutions.

By Alonzo,

HR 488, Commemorating the observance of 1995 Cinco de Mayo festivities.

To Committee on Rules and Resolutions.

By Kubiak,

HR 489, Recognizing the historical significance of Old St. Joseph's Catholic Church.

To Committee on Rules and Resolutions.

HR 489 - ADOPTED

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 489**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

HR 489, Recognizing the historical significance of Old St. Joseph's Catholic Church.

The resolution was adopted without objection.

HB 3182 - PERMISSION TO INTRODUCE

Representative Berlanga moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3182**.

A record vote was requested.

The motion prevailed by (Record 100): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Hudson; Longoria; Stiles.

Absent — Gray; Wilson.

HB 3183 - PERMISSION TO INTRODUCE

Representative Berlanga moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3183**.

A record vote was requested.

The motion prevailed by (Record 101): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Hudson; Longoria; Stiles.

Absent — Combs; Horn; Yarbrough.

HB 3184 - PERMISSION TO INTRODUCE

Representative Gutierrez moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3184**.

A record vote was requested.

The motion prevailed by (Record 102): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.;

Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Clemons; Hudson; Longoria; Stiles.

Absent — Davila; Gallego; Sadler; Wohlgenuth.

HR 183

HR 183, congratulating Sallie Ann Langseth on her selection as Secondary School Teacher of the year, having been previously adopted, was read.

HB 1409 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1409, A bill to be entitled An Act relating to children and family issues, including health and human services issues.

The bill was read third time.

Amendment No. 1

Representative Harris offered the following amendment to the bill:

Amend the 2nd reading engrossment of **HB 1409** on third reading as follows:

(1) On page 2, line 21, after the word "chapter", add the following: "except where those policy and procedures conflict with rules adopted by the elected board of the agency:"

(2) On page 5, line 8, after the word "county", strike "governing body of"

(3) On page 5, strike lines 9 & 10

(4) On page 5, line 11, strike "contributions for health and human services"

(5) On page 5, lines 12 & 13, strike the sentence "The commission may accept only one proposal from each county."

(6) On page 5, line 23, strike the text in subsection (c) and substitute: "The commission shall adopt rules to provide technical support to the local commissions and assist them to eliminate administrative and regulatory barriers"

(7) On page 6, strike subsections (e) & (f)

(8) On page 6, line 10 and 11, strike the text in subsection (a) and substitute the following: "The commissioners court of the county or counties served by the local commission shall appoint the following to the local commission:"

(9) On page 6, line 16, strike "school superintendent" and substitute "elected school board member"

(10) On page 6, line 18, strike "representative chosen by" and substitute "member of"

(11) On page 6, strike subsection (5) and renumber the subsequent subsections appropriately.

(12) On page 6, strike lines 23 and 24

(13) On page 6, strike subsections (7)(8) and renumber the subsequent subsections appropriately.

(14) On page 7, line 2, strike "not fewer than two representatives of" and substitute "a representative from a"

(15) On page 7, line 3, strike "organizations; and" and substitute "organization."

(16) On page 6, strike subsection (10)

(17) On page 7, strike subsections (b)(c)(d) and substitute the following:

"(b) The local commission may appoint such advisory committee as necessary to satisfy requirements for federal funds and to qualify representation in the incident where a local commission is established by two or more counties."

"(c) The commissioners court shall select new members for the local commission as needed. At all times the membership of the local commission shall be as designated in Section 72.033"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Harris offered the following amendment to the bill:

Amend **HB 1409** on third reading on page 7 by striking Subsection (a) of Section 72.034 on lines 20 - 27, and on page 8, line 1, strike "(b)" and substitute "(a)".

Amendment No. 2 was adopted without objection.

A record vote was requested.

HB 1409, as amended, was passed by (Record 103): 88 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Brady; Carter; Coleman; Combs; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Harris; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Hunter, T.; Johnson; Jones, J.; Junell; King; Kubiak; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Oliveira; Park; Pickett; Place; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Solis; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Brimer; Carona; Chisum; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzhauser; Horn; Howard; Hunter, B.; Jackson; Janek; Jones, D.; Kamel; Krusee; Kuempel; Moffat; Nixon; Oakley; Ogden; Patterson; Pitts; Rabuck;

Ramsay; Reyna; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Hudson; Longoria; Stiles.

MESSAGE FROM THE SENATE

Austin, Texas, March 28, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 10 by Raymond, in memory of Rose Fitzgerald Kennedy.

HCR 35 by Raymond, et al., paying tribute to the life of Jacqueline Lee Bouvier Kennedy Onassis.

HCR 149 by Kubiak, et al., congratulating Don Strickland on being named the Somerville Chamber of Commerce's Citizen of the Year.

SCR 108 by Harris, in memory of Robert E. Johnson.

Respectfully,
Betty King
Secretary of the Senate

HB 1 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1, General Appropriations Bill.

The bill was read third time.

Amendment No. 1

Representatives Thompson and S. Turner offered the following amendment to the bill:

Amend **HB 1** on third reading as follows:

(1) On page III-62 of the committee substitute, after the appropriations to The Texas A&M University System Administrative and General Offices, add the following appropriately numbered rider:

____. **CHANGE OF NAME OF PRAIRIE VIEW A&M UNIVERSITY.** Money appropriated to the board of regents of The Texas A&M University System may not be spent to purchase new stationery or other supplies or otherwise to facilitate a change of name of Prairie View A&M University.

(2) On page III-68 of the committee substitute, after the appropriations to Prairie View A&M University, add the following appropriately numbered rider: _____. **CHANGE OF NAME.** Money appropriated to Prairie View A&M University may not be spent to purchase new stationery or other supplies or otherwise to facilitate a change of name of the university.

Amendment No. 1 was adopted without objection.

HB 1, as amended, was passed. (Finnell and Hightower recorded voting no)

The speaker stated that **HB 1** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

REASON FOR VOTE

I voted no on **HB 1** because it contains no state employee or teacher pay increases.

Hightower

SCR 108 - ADOPTED (Black - House Sponsor)

Representative Black moved to suspend all necessary rules to take up and consider at this time **SCR 108**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 108,

WHEREAS, It is with great sorrow that the Texas Legislature mourns the death of one of the legendary giants of Texas politics, Robert E. Johnson, on March 26, 1995; and

WHEREAS, For the past 30 years, whether as legislator, Legislative Council Executive Director, or parliamentarian, Bob Johnson left an indelible impression on Texas government; few individuals could match his impressive and unsurpassable knowledge of every facet of state government; and

WHEREAS, A trusted friend and valued counselor, Mr. Johnson offered his invaluable advice to seven governors, four lieutenant governors, nine speakers, and more than 1,000 members of the House and Senate; and

WHEREAS, A graduate of Sunset High School in Dallas and Southern Methodist University Law School, Mr. Johnson entered the political fray in 1956 as a candidate for the Texas House of Representatives; and

WHEREAS, Enormously popular, Bob Johnson served his constituents for seven years until he resigned to become Executive Director of the Texas Legislative Council; accepting the additional burdens of House Parliamentarian in 1965, Mr. Johnson performed brilliantly and was nicknamed "Mr. Ventriloquist" for his ability to whisper arcane points of order out of the side of his mouth, while listening intently to endless debate; and

WHEREAS, As parliamentarian, Mr. Johnson earned the respect of liberals and conservatives alike; despite his personal views, he issued rulings impartially and fairly, depending on their merits; and

WHEREAS, Resigning from the council in 1980, Mr. Johnson pursued a career as an administrative law practitioner and lobbyist with the firm of Johnson and Johnson until newly elected Lieutenant Governor Bob Bullock beseeched his old friend to offer assistance as Senate Parliamentarian; and

WHEREAS, In this role, "Big Daddy" or Mr. Johnson earned the respect and affection of a whole new generation of senators and staff people who learned how Texas politics really should be played from the wily old pro; calm

and deliberate, Mr. Johnson never became embroiled in petty issues, proposing brilliant solutions to seeming legislative impasses; and

WHEREAS, His craggy exterior belied a gentle and kind heart; to those privileged to know him, Bob Johnson was unfailingly loyal and compassionate; his generosity knew no bounds, and we are all the richer for it; and

WHEREAS, His honesty and integrity are cherished legacies that he bequeathed his children; Bob Johnson was a loving father to Rob, Gordon, Karen, Stanley, and the late Anne Marie, and they, in turn, never doubted the depths of his devotion to them; and

WHEREAS, A Texan in size and in heart, Bob Johnson was a gentleman in the truest sense of the word, and we shall not see his like again; now, therefore, be it

RESOLVED, That the 74th Legislature of the State of Texas hereby pay tribute to the life of service and dedication of Robert E. Johnson and extend sincere condolences to the members of his family: his wife, Judy; his children, Rob, Gordon, Stanley, and Karen; and his eight grandchildren, Katherine Scott Johnson, Haley Hillert Johnson, Robert Ellis "Jake" Johnson III, Ross Ohlrich Johnson, Reed Hilary Ellis Johnson, Emily Judith Pounds, Sidney Michael Pounds, and Stanley Scott "Hayden" Johnson II; and, be it further

RESOLVED, That a copy of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Legislature, and that when the legislature adjourns this day, it do so in memory of Bob Johnson.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members were added to **SCR 108** as signers thereof.

HR 464 - ADOPTED

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 464**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Swinford, Smithee, and Chisum,

HR 464, Designating March 28, 1995, as Panhandle Day.

The resolution was read and was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, on recess today, Desk 133, to consider the calendar.

Higher Education, Subcommittee on **HB 29**, on recess today, Desk 81, to consider **HB 29**.

Criminal Jurisprudence, on recess today, Desk 5.

RECESS

Representative Thompson moved that the house recess until 1:30 p.m.

The motion prevailed without objection.

The house accordingly, at 12:07 p.m., recessed until 1:30 p.m.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

HB 1 - RULE SUSPENDED

Representative Junell moved to suspend Rule 2, Section 1(a)(9), of the House Rules to permit **HB 1** to be sent to the senate with engrossed riders in lieu of a full engrossment.

The motion prevailed without objection.

HB 1863 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1863**.

CSHB 1863, A bill to be entitled An Act relating to eligibility for and the provision of services and other assistance to needy people, including health and human services and assistance in becoming self-dependent.

CSHB 1863 was read second time.

(Hudson now present)

Representative Wilson raised a point of order against further consideration of **CSHB 1863** on the grounds that **CSHB 1863** violates Rule 4, Section 32(c)(4), of the House Rules.

The speaker sustained the point of order, speaking as follows:

Mr. Wilson raises a point of order against further consideration of **CSHB 1863** under Rule 4, Section 32(c)(4), of the House Rules, which requires the committee report to identify sections of the measure that expressly delegate rulemaking authority to a state agency.

Mr. Wilson directs the chair's attention to Section 11.2093, Education Code, as added by Section 2.03 of the bill on page 13 and to Section 31.015(a), Human Resources Code, as added by Section 2.04 of the bill on page 14. The chair has examined those sections, and each expressly delegates rulemaking authority to the Department of Human Services or the Texas Commission on Alcohol and Drug Abuse, or both. Neither of those sections is identified in the committee report's listing of grants of rulemaking authority.

Accordingly, the point of order is well-taken and sustained.

HB 1284 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1284, A bill to be entitled An Act relating to the designation of the mental health and mental retardation authority for Cameron County.

The bill was read third time.

Amendment No. 1

Representative Harris offered the following amendment to the bill:

HB 1284 is amended as follows:

(1) Strike Sections 1-3 of the bill and substitute the following:

SECTION 1. The Commissioner of the Department of MHMR, and the state comptroller shall arrange for a feasibility study to determine the best governance and administrative structure to enhance client care for mental health and mental retardation services in the catchment areas of the Rio Grande State Center and the Tropical Texas Center for MHMR.

(2) Strike Section 4 and substitute the following:

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1284, as amended, was passed by (Record 104): 115 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Holzheuser; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, J.; Junell; Kamel; King; Krusee; Kuempel; Luna; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Munoz; Naishtat; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Chisum; Culberson; Denny; Elkins; Heflin; Horn; Howard; Madden; Nixon; Swinford; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Longoria; Stiles.

Absent — Berlanga; Delisi; Driver; Gallego; Hilderbran; Jones, D.; Kubiak; Lewis, G.; Lewis, R.; Mowery; Ogden; Price; Ramsay; Rusling; Smithee; Staples; Torres; Williamson; Wilson; Wohlgemuth.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 104. I intended to vote no.

Moffat

When Record No. 104 was taken, I was in the house but away from my desk. I would have voted no.

Kubiak

When Record No. 104 was taken, I was in the house but away from my desk. I would have voted yes.

Rusling

When Record No. 104 was taken, I was in the house but away from my desk. I would have voted yes.

Staples

SB 360 ON THIRD READING
(Telford - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 360, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on the Arts.

The bill was read third time and was passed.

HB 1527 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1527, A bill to be entitled An Act relating to designating speaker's day as a day to honor former members of the house of representatives.

The bill was read second time and was passed to engrossment.

HB 1611 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1611, A bill to be entitled An Act relating to an exemption from the state sales tax for certain ship equipment.

The bill was read second time.

Representative Uher moved to postpone consideration of **HB 1611** until 10 a.m. Wednesday, March 29.

The motion prevailed without objection.

HB 1792 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1792, A bill to be entitled An Act relating to the tuition charged to nonresident students at certain public institutions of higher education.

The bill was read second time and was passed to engrossment.

HB 126 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 126**.

CSHB 126, A bill to be entitled An Act relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.

CSHB 126 was read second time.

Representative Place moved to postpone consideration of **CSHB 126** until 10 a.m. Wednesday, April 5.

The motion prevailed without objection.

HB 553 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 553**.

CSHB 553, A bill to be entitled An Act relating to the operation of community mental health and mental retardation centers.

CSHB 553 was read second time.

Amendment No. 1

Representative McDonald offered the following amendment to **CSHB 553**:

Amend **CSHB 553** as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (f) and (g)".

(2) On page 1, between lines 15 and 16, insert:

(g) An entity is, for the purpose of operating a psychiatric center, a governmental unit and a unit of local government under Chapter 101, Civil Practice and Remedies Code, and a local government under Chapter 102, Civil Practice and Remedies Code, if the entity:

(1) is not operated to make a profit;

(2) is created through an intergovernmental agreement between a community mental health center and any other governmental unit; and

(3) contracts with the community mental health center and any other governmental unit that created it to operate a psychiatric center.

Amendment No. 1 was adopted without objection.

CSHB 553, as amended, was passed to engrossment. (Finnell, Johnson, and Zbranek recorded voting no)

HB 1020 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1020, A bill to be entitled An Act relating to the regulation of savings banks.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Carona, Representative Oliveira offered the following committee amendment to the bill:

Amend **HB 1020** as follows:

Strike on page one, SECTION 1: "and (15)" and "'Financial institution" means a state or federal savings bank, a state or federal savings and loan association, [or] a state or national bank, or a state or federal credit union."

Amendment No. 1 was adopted without objection.

HB 1020, as amended, was passed to engrossment. (Finnell recorded voting no)

HB 94 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 94, A bill to be entitled An Act relating to the use of deadly force in defense of a person.

The bill was read second time.

Representative Kamel moved to postpone consideration of **HB 94** until the end of the calendar.

The motion prevailed without objection.

HB 994 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 994, A bill to be entitled An Act relating to the employment of children in certain activities.

The bill was read second time.

Amendment No. 1

Representative Delisi offered the following amendment to the bill:

Amend **HB 994** as follows:

(1) On page 1, line 22, add the following subsection:

(3)(C) in a vehicle that has no more than two axles and does not exceed a gross vehicle weight rating of 15,000 pounds.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Horn offered the following amendment to the bill:

Amend SECTION 1 of **HB 994** by amending Sec. 51.015(a)(3) to read as follows:

(3) performs the duties of the occupation:

(A) under the direct supervision of the child's parent or an adult having custody of the child; or

(B) for a business when parental consent has been given.

Representative Delisi moved to table Amendment No. 2.

The motion to table was withdrawn.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Horn offered the following amendment to the bill:

Amend SECTION 1 of **HB 994** by amending Sec. 51.015(a)(3) to read as follows:

(3) performs the duties of the occupation:

(A) under the direct supervision of the child's parent or an adult having custody of the child; or

(B) for a business when written and notarized parental consent has been given.

Amendment No. 3 was adopted without objection.

HB 994, as amended, was passed to engrossment.

HB 307 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 307, A bill to be entitled An Act relating to a municipality's authority to obtain a lien against certain dangerous structures.

The bill was read second time.

Amendment No. 1

Representative Cook offered the following amendment to the bill:

Amend **HB 307** (house committee report) by striking lines 7-14 on page 1 and substituting the following:

(o) If the municipality obtains a title report and, within ten days after the date of such report sends notice to every owner and lienholder shown thereon by certified mail, return receipt requested, at least thirty days prior to the hearing to determine the time required to secure, repair, or demolish the buildings and files a certificate with the county clerk in the county where the property is located stating the date of such notice and persons so notified ~~[notice is given]~~ and the opportunity to repair, remove, or demolish the building is afforded to each mortgagee and lienholder as authorized by Subsection (d) or (e), the lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the municipality's lien attaches.

Amendment No. 1 was adopted without objection.

HB 307, as amended, was passed to engrossment.

HB 1353 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1353, A bill to be entitled An Act relating to the bonding or insurance requirements of a political subdivision for the issuance of certain plumbing permits.

The bill was read second time and was passed to engrossment.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolution on committee report:

By Johnson,

HCR 112, Recommending that the Texas Transportation Commission incorporate the slogan "150 Years of Statehood."

The resolution was adopted.

HB 94 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 94, A bill to be entitled An Act relating to the use of deadly force in defense of a person.

HB 94 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Dutton offered the following amendment to the bill:

Amend **HB 94** on page 2, line 5, by striking the period and substituting "against a person who at the time of the use of force was committing an offense of unlawful entry in the habitation of the defendant".

Amendment No. 1 was adopted without objection.

HB 94, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, March 28, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 107 by Ratliff, congratulating the residents of Hopkins County on the grand occasion of Hopkins County Day.

Respectfully,
Betty King
Secretary of the Senate

RULES SUSPENDED

Representative Brimer moved to suspend the 5-day posting rule to allow the Committee on Business and Industry to consider **SB 885**, the companion bill to **HB 2395**.

The motion prevailed without objection.

Representative Goodman moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **HB 2134** during the regularly scheduled committee hearing on adjournment Wednesday, March 29.

The motion prevailed without objection.

Representative D. Jones moved to suspend the 5-day posting rule to allow the Committee on Redistricting to consider all bills posted for 2 p.m. today.

The motion prevailed without objection.

Representative Giddings moved to suspend the 48-hour subcommittee report rule to allow the Committee on Business and Industry, to consider **CSHB 1637** for **HB 1637**, **HB 293**, and **HB 1489**; and **CSHB 530** for **HB 530**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Redistricting, 3:30 p.m. today, Room 104, Reagan Building, to consider all bills originally posted for 2 p.m. today.

Business and Industry, on adjournment today, E2.014, Capitol Extension, to consider **CSHB 1637** for **HB 1637**; **HB 293**, and **HB 1489**; and **CSHB 530** for **HB 530**.

Agriculture and Livestock, reconvene on adjournment today, E2.106, Capitol Extension.

Ways and Means, on adjournment today.

Elections, Subcommittee on **HB 1581**, 4 p.m. today, Room 109, Reagan Building, to consider **HB 1581**.

Elections, 4 p.m. today, Room 109, Reagan Building, to consider posted bills.

Public Health, 4 p.m. today, E2.016, Capitol Extension, to consider posted bills.

ADJOURNMENT

Representative Patterson moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 2:48 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Business and Industry - **HB 860**

Corrections - **HB 1343**

Environmental Regulation - **HB 1775**

Financial Institutions - **HB 1299**

Insurance - **HB 1605**, **HB 2647**

Public Health - **HB 1192, HB 1432, HB 1491**

Ways and Means - **HB 2087**

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